



# City of Marietta

## Meeting Minutes

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

### CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Annette Paige Lewis, Ward 1*  
*Griffin "Grif" L. Chalfant, Jr., Ward 2*  
*Johnny Sinclair, Ward 3*  
*Irvan A. "Van" Pearlberg, Ward 4*  
*Rev. Anthony C. Coleman, Ward 5*  
*James W. King, Ward 6*  
*Philip M. Goldstein, Ward 7*

---

Wednesday, April 14, 2010

7:00 PM

Council Chamber

---

**Presiding:** R. Steve Tumlin, Mayor

**Present:** Philip M. Goldstein, Jim King, Rev. Anthony Coleman, Johnny Sinclair, Grif Chalfant, Annette Lewis and Van Pearlberg

***Also Present:***

*William F. Bruton, Jr. City Manager*

*Douglas R. Haynie, City Attorney*

*Stephanie Guy, City Clerk*

### **CALL TO ORDER:**

*Mayor Tumlin called the meeting to order at 7:02 p.m.*

### **INVOCATION:**

*Mayor Tumlin called upon Council member Grif Chalfant to give the invocation.*

### **PLEDGE OF ALLEGIANCE:**

*Mayor Tumlin called upon Council member Grif Chalfant to lead the pledge of allegiance.*

### **PRESENTATIONS:**

#### **20100153 Distinguished Budget Award**

Presentation of the Distinguished Budget Award to the Finance Department for their presentation of the current fiscal year budget. The award is the highest form of recognition in governmental budgeting and represents a significant achievement by the city.

**This matter was Presented**

**20100378 Tree City Presentation**

Tree City Awards presented by Joe Burgess from the Georgia Forestry Commission to Joan Ellars, Keep Marietta Beautiful and Jean Alice Tumlin, Vice Chairperson, Marietta Tree Keepers.

**This matter was Presented**

**20100380 National Public Works Week**

Presentation of a Proclamation to Dan Conn, Public Works Director, proclaiming the week of May 16, 2010 as National Public Works Week and calling upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort and quality of life.

**This matter was Presented**

**20100381 175th Anniversary Scholarship Presentation**

Recognition of winners who participated in "The Spirit of Marietta" essay contest conducted by the Education Committee as part of the city's 175th Anniversary Celebration. The following students are recognized  
Fikela Hill - The Walker School - Finalist  
Kimberly Allen - Mt. Paran Christian School - Finalist  
Savannah King - Marietta High School - Winner

**This matter was Presented**

**20100469 Reliable Public Power Provider (RP3®)**

Tom Bell, Electrical Director, Marietta Board of Lights and Water, is presenting to Mayor Tumlin American Public Power Association's recognition of Marietta Power and Water as the first utility in the State of Georgia to receive the APPA RP3® designation.

**This matter was Presented**

**20100379 Graduates of the spring 2010 Citizens' Government Academy are**

Greg Barnes	Chris Johnson	John Holmes
Lynda Bricker	N. Sezin Manzagol	J Carlos Jaramillo
Jason Bourne	John Manzagol	Lon Jenkins
Sandy Bullock	Tasha Mays	Gary Sullenger
Bob Canada	Jaquelina Michienzi	Valerie Turley
Maria Cifelli	JoAnna Miller	Edward Fomond
Douglas Crooks	Robin Montgomery	Paul Shea
Chris Eckenroth	Lori Nelson	Caludia Falk
Fay Ellis	Brenda Parker	Frank Rambo
John Falk	Ed Parker	

**This matter was Presented**

**PROCLAMATIONS:****20100247 Recognition of Darrell Dickerson**

Presentation of a Proclamation recognizing Darrell Dickerson who faithfully served the citizens and customers of the city of Marietta/BLW for 38 years for his generous creation of an endowment for the "Marietta First Award" presented to employees annually for consistently putting Marietta first in their actions and deeds.

**This matter was Presented**

**20100351 April 2010-Alcohol Awareness Month**

Proclamation naming April 2010 as National Alcohol Awareness Month is presented to Janice Caylor, Marietta Police Department, from Cathy Finck, Coordinator, Cobb Underage Drinking Task Force.

**This matter was Presented**

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****CONSENT AGENDA:**

**Consent agenda items are marked by an asterisk (\*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).**

*The following amendments were made to the consent agenda:*

- under Ordinances: Agenda item 20100311 was amended to approve with the stipulations listed.*
- under Parks and Rec: Agenda item 20100306 was added to the consent agenda.*
- under Public Works: Agenda item 20100320 was removed from the agenda.*
- under Public Work: Agenda items 20100393, 20100491, 20100492 and 20100493 were added to the consent agenda.*

*Mayor Tumlin opened the public hearing for items on the consent requiring a public hearing. Seeing someone wanting to speak regarding agenda item 20100355, that item was removed from the consent agenda. The public hearing was closed.*

*A motion was made by Council member Lewis, seconded by Council member King, to approve the consent agenda as modified.*

*The motion unanimously carried by the following vote:*

*Vote: 7 - 0 - 0                      Approved  
with the following exceptions:*

*Council member Goldstein abstaining on agenda items 20100127, 20100352, 20100354, 20100356 and 20100358.*

*Council members Lewis, Coleman and King voting against agenda item 20100215.  
Council members Lewis and Goldstein voting against agenda item 20100306.*

**MINUTES:**

- \*       **20100333       Regular Meeting - March 10, 2010**  
Review and approval of the March 10, 2010 regular meeting minutes.  
**This Matter was Approved on the Consent Agenda.**  
**Vote: 7 - 0 – 0               Approved**
- \*       **20100441       Special Meeting - March 31, 2010**  
Review and approval of the March 31, 2010 special meeting minutes.  
**This Matter was Approved on the Consent Agenda.**  
**Vote: 7 - 0 – 0               Approved**
- \*       **20100384       Special Meeting - April 2, 2010**  
Review and approval of the April 2, 2010 special called meeting minutes.  
**This Matter was Approved on the Consent Agenda.**  
**Vote: 7 - 0 – 0               Approved**

**MAYOR'S APPOINTMENTS:****CITY COUNCIL APPOINTMENTS:****ORDINANCES:**

- \*       **20100311       V2010-07 Marietta Housing Authority 268, 272, 280, 284, 286 and 300 Victory Drive and 127 Vista Circle**  
  
V2010-07 [VARIANCE] MARIETTA HOUSING AUTHORITY request variances for property located in Land Lot 1286, District 16, Parcels 68, 69, 70, 71, 72, 85 and 67 and being known as 268, 272, 280, 284, 286 and 300 Victory Drive and 127 Vista Circle.  
-Variance to reduce the minimum lot size from 5 acres to 2.85 acres;  
-Variance to reduce the required rear yard setback along the northern property line from 40 feet to 0 feet;  
-Variance to reduce the required side yard setback along the western property line from 25 feet to 0 feet;  
-Variance to reduce the required buffer along the northern and western property lines from 35 feet to 30 feet.  
-Variance to reduce the required spacing between buildings from 40 feet to 16 feet;  
-Variance to allow the encroachment of sidewalk into the south end of the greenbelt buffer due to ADA compliance requirements.

**Stipulations:**

1. Variance to reduce the minimum lot size from 5 acres to 2.85 acres [Section 708.11 (H)].
2. Variance to reduce the required rear yard setback along the northern property line from 40 feet to 0 feet [Section 708.11 (H)];
3. Variance to reduce the required side yard setback along the western property line from 25 feet to 0 feet [Section 708.11 (H)];
4. Variance to reduce the required buffer along the northern and western property lines from 35 feet to 30 feet [Section 708.11 (H)].
5. Variance to reduce the required spacing between buildings from 40 feet to 16 feet [708.11.G.2];
6. Variance to allow the encroachment of sidewalk into the south end of the greenbelt buffer due to ADA compliance requirements [Section 710.05 (E)].

*Motion to approve the following variances requested from the Marietta Housing Authority for property located in Land Lot 1286, District 16, Parcels 68, 69, 70, 71, 72, 85 and 67 and being known as 268, 272, 280, 284, 286 and 300 Victory Drive and 127 Vista Circle, along with the additional stipulations:*

*-Variance to reduce the minimum lot size from 5 acres to 2.85 acres; Variance to reduce the required rear yard setback along the northern property line from 40 feet to 0 feet;*

*-Variance to reduce the required side yard setback along the western property line from 25 feet to 0 feet; Variance to reduce the required buffer along the northern and western property lines from 35 feet to 30 feet.*

*-Variance to reduce the required spacing between buildings from 40 feet to 16 feet; Variance to allow the encroachment of sidewalk into the south end of the greenbelt buffer due to ADA compliance requirements.*

**Stipulations:**

1. Variance to reduce the minimum lot size from 5 acres to 2.85 acres [Section 708.11 (H)].
2. Variance to reduce the required rear yard setback along the northern property line from 40 feet to 0 feet [Section 708.11 (H)];
3. Variance to reduce the required side yard setback along the western property line from 25 feet to 0 feet [Section 708.11 (H)];
4. Variance to reduce the required buffer along the northern and western property lines from 35 feet to 30 feet [Section 708.11 (H)].
5. Variance to reduce the required spacing between buildings from 40 feet to 16 feet [708.11.G.2];
6. Variance to allow the encroachment of sidewalk into the south end of the greenbelt buffer due to ADA compliance requirements [Section 710.05 (E)].

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0**

**Approved**

\* **20100127 Code Enforcement - See below.**

*Ord 7463*

Approval of an ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia (see below).

Address	Lot #	Address	Lot #
28 Griggs Street	*	629 Henry Drive	CLBHS
494 Henry Drive	*	629 Henry Drive	CMMN
500 Henry Drive	L-1	636 Henry Drive	L-32
508 Henry Drive	L-2	644 Henry Drive	L-33
516 Henry Drive	L-3	648 Henry Drive	*
524 Henry Drive	L-4	652 Henry Drive	*
532 Henry Drive	L-5	655 Henry Drive	*
540 Henry Drive	L-44	656 Henry Drive	*
541 Henry Drive	L-45	700 Henry Drive	L-24
548 Henry Drive	L-43	708 Henry Drive	L-23
549 Henry Drive	L-46	716 Henry Drive	L-22
556 Henry Drive	L-42	724 Henry Drive	L-21
557 Henry Drive	L-47	732 Henry Drive	L-20
564 Henry Drive	L-41	740 Henry Drive	L-19
565 Henry Drive	L-48	741 Henry Drive	L-18
566 Henry Drive	*	749 Henry Drive	L-17
568 Henry Drive	*	757 Henry Drive	L-16
570 Henry Drive	*	765 Henry Drive	L-15
572 Henry Drive	L-40	773 Henry Drive	L-14
573 Henry Drive	L-49	781 Henry Drive	L-13
580 Henry Drive	L-39	789 Henry Drive	L-12
588 Henry Drive	L-38	797 Henry Drive	L-11
596 Henry Drive	L-37	805 Henry Drive	Detention Pond
604 Henry Drive	L-36		
612 Henry Drive	L-35		
620 Henry Drive	L-34	400 Marietta Walk Court	*
624 Henry Drive	*	401 Marietta Walk Court	L-55
628 Henry Drive	L-31	411 Marietta Walk Court	L-54
300 Marietta Walk Lane	L-10	421 Marietta Walk Court	L-53
301 Marietta Walk Lane	*	431 Marietta Walk Court	L-52
310 Marietta Walk Lane	L-9	441 Marietta Walk Court	L-51
320 Marietta Walk Lane	L-8	451 Marietta Walk Court	L-50
330 Marietta Walk Lane	L-7	392 Powder Springs Street	*
331 Marietta Walk Lane	*	404 Powder Springs Street	A
340 Marietta Walk Lane	L-6	408 Powder Springs Street	*
92 Marietta Walk Trace	L-27	412 Powder Springs Street	*
93 Marietta Walk Trace	L-28	422 Powder Springs Street	*
100 Marietta Walk Trace	L-26	430 Powder Springs Street	*
101 Marietta Walk Trace	L-29	436 Powder Springs Street	*
108 Marietta Walk Trace	L-25	204 Marietta Walk Trace	L-61
109 Marietta Walk Trace	L-30	197 Marietta Walk Trace	L-59
116 Marietta Walk Trace	L-72	196 Marietta Walk Trace	L-62
124 Marietta Walk Trace	L-71	189 Marietta Walk Trace	L-58
132 Marietta Walk Trace	L-70	188 Marietta Walk Trace	L-63
140 Marietta Walk Trace	L-69	172 Marietta Walk Trace	L-65
148 Marietta Walk Trace	L-68	173 Marietta Walk Trace	L-56
156 Marietta Walk Trace	L-67	180 Marietta Walk Trace	L-64
164 Marietta Walk Trace	L-66	181 Marietta Walk Trace	L-57
205 Marietta Walk Trace	L-60		

Listed Owner: JWH Marietta LLC, c/o Rowe Properties  
Repeat Violation History: ( 4 ) previous cases since November 20, 2007.  
Certified mail receipt received March 18, 2010 & March 27, 2010 (for Ordinance).  
Certified mail receipt not received as of April 1, 2010 (for Show Cause).  
Taxes paid: Unpaid; See Tax Department for Total  
Ward: 5-A  
PUBLIC HEARING REQUIRED

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 - 0 – 1                      Approved**

Abstaining: Philip M. Goldstein

\*        **20100352        Code Enforcement - 640 Springhollow Lane**

*Ord 7458*

Approval of an ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 640 Springhollow Lane.  
Listed Owner: Elgan Dalley  
Repeat Violation History: None  
Certified mail receipt not received as of April 1, 2010 (for Ordinance).  
Certified mail receipt not received as of April 1, 2010 (for Show Cause).  
Taxes paid: Yes  
Ward: 2-B  
PUBLIC HEARING REQUIRED

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 - 0 – 1                      Approved**

Abstaining: Philip M. Goldstein

\*        **20100354        Code Enforcement - 97 Rigby Street**

*Ord 7459*

Approval of an ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 97 Rigby Street.  
Listed Owner: Louise Burke & Heirs At Large, c/o Hattie Scott  
Repeat Violation History: ( 6 ) previous cases since 2000.  
Certified mail receipt returned March 29, 2010 (for Ordinance); signed by William Scott.  
Certified mail receipt returned (for Show Cause) signed by William Scott on March 27, 2010.  
Taxes paid: Unpaid, in the amount of \$2,904.67.  
Ward: 5-A  
PUBLIC HEARING REQUIRED

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 - 0 – 1                      Approved**

Abstaining: Philip M. Goldstein

**20100355      Code Enforcement - 146 Rigby Street***Ord 7460*

Approval of an ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 146 Rigby Street.

Listed Owner: Ella Glover

Repeat Violation History: ( 1 ) previous case since 2008.

Certified mail receipt received March 26, 2010 (for Ordinance); marked "Unable to Forward."

Certified mail receipt received March 29, 2010 (for Show Cause); marked "Unable to Forward."

Taxes paid: Yes

Ward: 5-A

**PUBLIC HEARING REQUIRED**

*Mayor Tumlin called forward those wishing to speak regarding this matter.*

*Pastor Joseph Como of the Marietta Chapel AME Church expressed concern regarding the condition of the property located at 146 Rigby Street and asked that Council approve the ordinance to have the property cleaned.*

*Discussion was held.*

*A motion was made by Council member Lewis, seconded by Council member Sinclair, to approve the ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 146 Rigby Street.*

*Further discussion was held regarding the proper notification of the owners of the property.*

*A motion was made by Council member King to call the question regarding this matter. The vote carried by the following vote:*

*Vote: 6 - 1 - 0                      Approved*

*Voting against: Philip M. Goldstein*

*Mayor Tumlin called for a vote on the motion.*

**The motion was made by Council member Lewis, seconded by Council member Sinclair, to approve the ordinance. The motion carried by the following vote:**

**Vote: 5 – 1 – 1                      Approved**

**Voting Against: Van Pearlberg**

**Abstaining: Philip M. Goldstein**



- \*        **20100356        Code Enforcement - 351 McArthur Drive**
- Ord 7461*        Approval of an ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 351 McArthur Drive.  
                         Listed Owner: Timothy Neal Weddington  
                         Repeat Violation History: ( 8 ) previous cases since 1998.  
                         Certified mail receipt received March 29, 2010 (for Ordinance); marked "Unable to Forward."  
                         Certified mail receipt not received as of April 1, 2010 (for Show Cause).  
                         Taxes paid: Yes  
                         Ward: 5-A  
                         PUBLIC HEARING REQUIRED
- This Matter was Approved on the Consent Agenda.**
- Vote: 6 - 0 – 1                    Approved**  
                         Abstaining: Philip M. Goldstein
- \*        **20100358        Code Enforcement - 353 McArthur Drive**
- Ord 7462*        Approval of an ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 353 McArthur Drive.  
                         Listed Owner: Timothy Neal Weddington  
                         Repeat Violation History: ( 5 ) previous cases since 1999.  
                         Certified mail receipt received March 26, 2010 (for Ordinance); marked "Unable to Forward."  
                         Certified mail receipt not received as of April 1, 2010 (for Show Cause).  
                         Taxes paid: Unpaid, in the amount of \$1,549.28.  
                         Ward: 5-A  
                         PUBLIC HEARING REQUIRED
- This Matter was Approved on the Consent Agenda.**
- Vote: 6 - 0 – 1                    Approved**  
                         Abstaining: Philip M. Goldstein

**RESOLUTIONS:****CITY ATTORNEY'S REPORT:**

- \*        **20100387        Denial of claim**
- Denial of claim of The Jacobs Family.
- Approved to Deny Claim on the Consent Agenda**
- \*        **20100388        Denial of claim**
- Denial of claim of Catherine McFarland.

**Approved to Deny Claim on the Consent Agenda****\* 20100389****Denial of claim**

Denial of Claim of Christopher and Shawndra Williams

**Approved to Deny Claim on the Consent Agenda****\* 20100400****Denial of claim**

Denial of claim of Beverly Stewart

**Approved to Deny Claim on the Consent Agenda****\* 20100401****Denial of claim**

Denial of claim of Paul F. Spruill.

**Approved to Deny Claim on the Consent Agenda****\* 20100402****Denial of claim**

Denial of claim of Al and Tiffany Ragin.

**Approved to Deny Claim on the Consent Agenda****\* 20100403****Denial of claim**

Denial of claim of Gregory and Juanita Redmond.

**Approved to Deny Claim on the Consent Agenda****\* 20100404****Denial of claim**

Denial of claim of Shane and Jill Robbins.

**Approved to Deny Claim on the Consent Agenda****\* 20100405****Denial of claim**

Denial of claim of Gerald and Cathye Robinson.

**Approved to Deny Claim on the Consent Agenda****\* 20100406****Denial of claim**

Denial of claim of Willie F. Smith.

**Approved to Deny Claim on the Consent Agenda**

- \*      **20100407**      **Denial of claim**
- Denial of claim of Olympia and Victory Smith.
- Approved to Deny Claim on the Consent Agenda**
- \*      **20100408**      **Denial of claim**
- Denial of claim of Donterrish Prayor.
- Approved to Deny Claim on the Consent Agenda**
- \*      **20100409**      **Denial of claim**
- Denial of claim of Patricia Platt.
- Approved to Deny Claim on the Consent Agenda**
- \*      **20100410**      **Denial of claim**
- Denial of claim of Nikki and Jack Pierce.
- Approved to Deny Claim on the Consent Agenda**
- \*      **20100411**      **Denial of claim**
- Denial of claim of Pranav Patel.
- Approved to Deny Claim on the Consent Agenda**
- \*      **20100412**      **Denial of claim**
- Denial of claim of Michael Otten and Markham Moore.
- Approved to Deny Claim on the Consent Agenda**
- \*      **20100413**      **Denial of claim**
- Denial of claim of Leon and Maude Moore.
- Approved to Deny Claim on the Consent Agenda**
- \*      **20100414**      **Denial of claim**
- Denial of claim of Clinton D. McGill.
- Approved to Deny Claim on the Consent Agenda**
- \*      **20100415**      **Denial of claim**

Denial of claim of Michael and Mercedes McGee.

**Approved to Deny Claim on the Consent Agenda**

\*      **20100416      Denial of claim**

Denial of claim of Robin Manley.

**Approved to Deny Claim on the Consent Agenda**

\*      **20100417      Denial of claim**

Denial of claim of John and Lynda Lovett.

**Approved to Deny Claim on the Consent Agenda**

\*      **20100418      Denial of claim**

Denial of claim of Tammy Locklear.

**Approved to Deny Claim on the Consent Agenda**

\*      **20100419      Denial of claim**

Denial of claim of Uloma Livingstone.

**Approved to Deny Claim on the Consent Agenda**

\*      **20100420      Denial of claim**

Denial of claim of Marvin and Xandria Johnson.

**Approved to Deny Claim on the Consent Agenda**

\*      **20100421      Denial of claim**

Denial of claim of Tracy L. Jemison.

**Approved to Deny Claim on the Consent Agenda**

\*      **20100422      Denial of claim**

Denial of claim of Valarie Jacobs.

**Approved to Deny Claim on the Consent Agenda**

\*      **20100423      Denial of claim**

Denial of claim of Jesse and Nancy Hubbard.

**Approved to Deny Claim on the Consent Agenda**

- \*      **20100424**      **Denial of claim**  
  
Denial of claim of Terri Hembree.  
**Approved to Deny Claim on the Consent Agenda**
- \*      **20100425**      **Denial of claim**  
  
Denial of claim of Robert and Cathy Hembree.  
**Approved to Deny Claim on the Consent Agenda**
- \*      **20100426**      **Denial of claim**  
  
Denial of claim of John R. Haynes and Ann Haynes.  
**Approved to Deny Claim on the Consent Agenda**
- \*      **20100427**      **Denial of claim**  
  
Denial of claim of Chris and Andrea Hawn.  
**Approved to Deny Claim on the Consent Agenda**
- \*      **20100428**      **Denial of claim**  
  
Denial of claim of Adam Harper.  
**Approved to Deny Claim on the Consent Agenda**
- \*      **20100429**      **Denial of claim**  
  
Denial of claim of Terrance and Deborah Golden.  
**Approved to Deny Claim on the Consent Agenda**
- \*      **20100430**      **Denial of claim**  
  
Denial of claim of David and Amy George.  
**Approved to Deny Claim on the Consent Agenda**
- \*      **20100431**      **Denial of claim**  
  
Denial of claim of Angela Garner and Lerone Erwin.  
**Approved to Deny Claim on the Consent Agenda**
- \*      **20100432**      **Denial of claim**

Denial of claim of David Gaines.

**Approved to Deny Claim on the Consent Agenda**

\*      **20100433**      **Denial of claim**

Denial of claim of Allison Gabriel.

**Approved to Deny Claim on the Consent Agenda**

\*      **20100434**      **Denial of claim**

Denial of claim of Zoe Francis.

**Approved to Deny Claim on the Consent Agenda**

\*      **20100435**      **Denial of claim**

Denial of claim of Joe and Harriett Bowen.

**Approved to Deny Claim on the Consent Agenda**

\*      **20100437**      **Denial of claim**

Denial of claim of Raymond and Latrisha Anderson.

**Approved to Deny Claim on the Consent Agenda**

\*      **20100438**      **Denial of claim**

Denial of claim of Chasidy Flowers.

**Approved to Deny Claim on the Consent Agenda**

\*      **20100439**      **Denial of claim**

Denial of claim of Veronica Ellis.

**Approved to Deny Claim on the Consent Agenda**

\*      **20100440**      **Denial of claim**

Denial of claim of Brian and Felicia DeShong.

**Approved to Deny Claim on the Consent Agenda**

\*      **20100442**      **Denial of claim**

Denial of claim of George and Marilyn Defnall.

**Approved to Deny Claim on the Consent Agenda****\* 20100443****Denial of claim**

Denial of claim of Juanita D. Crowder.

**Approved to Deny Claim on the Consent Agenda****\* 20100444****Denial of claim**

Denial of claim of Shelia Cozine.

**Approved to Deny Claim on the Consent Agenda****\* 20100445****Denial of claim**

Denial of claim of Danny Covington.

**Approved to Deny Claim on the Consent Agenda****\* 20100446****Denial of claim**

Denial of claim of Sandra and Michelle Cherubin.

**Approved to Deny Claim on the Consent Agenda****\* 20100447****Denial of claim**

Denial of claim of Vernon and Katrina Chandler.

**Approved to Deny Claim on the Consent Agenda****\* 20100448****Denial of claim**

Denial of claim of Keely Ziegler.

**Approved to Deny Claim on the Consent Agenda****\* 20100449****Denial of claim**

Denial of claim of Shirley Elkins.

**Approved to Deny Claim on the Consent Agenda****\* 20100450****Denial of claim**

Denial of claim of Brian and Tara Mitchell.

**Approved to Deny Claim on the Consent Agenda**

\*      **20100451      Denial of claim**

Denial of claim of James Hunt.

**Approved to Deny Claim on the Consent Agenda**

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

**1. Economic/Community Development: Grif Chalfant, Chairperson**

\*      **20100270      PHA Plan**

Adoption of the five year PHA Plan and FY2011 Annual Plan for the City of Marietta Public Housing Authority.

Public Hearing Required

**2. Finance/Investment: Annette Lewis, Chairperson**

\*      **20100293      Acceptance of donation to Fire Museum**

Approval of an Ordinance amending the Fiscal Year 2010 Fire Museum budget to receive and appropriate a donation from Marietta Flea Market for \$1,100 for fire museum projects.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0      Approved**

\*      **20100357      City Fee Chart Modification**

Approval of a Resolution amending the City Fee Chart for services and facilities at Laurel Park.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0      Approved**

\*      **20100215      Sister Cities Program**

Approval of an Ordinance amending the Fiscal Year 2010 General Fund budget to receive and appropriate a donation from Sister Cities for \$2,500 and appropriate \$2,500 from fund balance for the Sister Cities program.

**This Matter was Approved on the Consent Agenda.**

**Vote: 4 - 3 – 0      Approved**

Voting Against: Annette Lewis, Rev. Anthony Coleman and Jim King



**3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

- \*      **20100336      Ethics Committee Proposal**
- Ord 7466*      Motion approving the Ethics Committee proposal to change Code Section 1-14-2-060 as requested by Warren Herron, Chairman, as follows  
Except as provided in paragraph C, If any elected official has a conflict of interest or has an interest that he has reason to believe either violates this code of ethics or affects his or her official acts or actions in any matter prohibited, the elected official shall immediately leave the meeting room, if the meeting is not open to the public. If the meeting is open to the public, the elected official shall move to the area the general public occupies. The elected official may however participate at any meeting open to the general public as would any other person attending the meeting, except as provided in paragraph C. In the event of such conflict of interest, the elected official shall leave his or her regular seat as a member of the Marietta City Council, and not return to it until the deliberation and action on the matter is completed.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0              Approved**
- \*      **20100341      Clarke Library**
- Motion approving advertising for a public hearing to adopt the Design Guidelines and Preservation Plan for the Clarke Library.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0              Approved**
- \*      **20100342      Brumby Hall**
- Motion approving advertising for a public hearing to adopt the Design Guidelines and Preservation Plan for Brumby Hall.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0              Approved**
- \*      **20100343      Marietta Waterworks Building**
- Motion approving advertising for a public hearing to adopt the Design Guidelines and Preservation Plan for the Marietta Waterworks Building.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0              Approved**
- \*      **20100345      Proposed changes to Code Section 10-4-150 - Theft by Shoplifting**
- Motion to amend the City Code by the deletion of Code Section 10-4-150, Theft by Shoplifting, as it is an unnecessary duplication of existing authority under state laws.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                      Approved**

**\*            20100349            Code Enforcement Violations**

*Ord 7464*            Motion approving the processing of code enforcement violations through the Marietta Municipal Court instead of City Council.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                      Approved**

**4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson**

**\*            20100301            Parks and Recreation Master Plan**

Motion to approve the revised Parks Master Plan as presented with changes and approval of the publishing of "Appendix A, Statistics and Data."

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                      Approved**

**\*            20100306            Laurel Park**

Motion approving an Independent Contractor Agreement for the Laurel Park Tennis center and other amenities in Laurel Park.

**This Matter was Approved on the Consent Agenda.**

**Vote: 5 - 2 – 0                      Approved**

Voting Against: Annette Lewis and Philip M. Goldstein

**\*            20100386            Citizen's Advisory Committee for Marietta Parks (CACMP)**

Approval of a Resolution amending the by-laws for the CACMP to remove the attendance requirement.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                      Approved**

**\*            20100188            Naming of Park**

Motion to approve the naming of the new "triangle park" on Roswell Street as Joe Mack Wilson Park.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                      Approved**

**\*            20100452            Parks Bond Improvements**

Motion to adopt the Tier System for Parks Bond Improvements.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                      Approved**

- \*        **20100305      Park Naming Guidelines**
- Ord 7457*      Approval of an Ordinance adopting the establishment of naming guidelines for parks and recreation facilities.
- This Matter was Approved on the Consent Agenda.**
- Vote: 6 - 1 – 0              Approved**  
                  Voting Against: Jim King
- \*        **20100483      Aviation Baseball/Softball Complex**
- Motion to designate the Aviation Sports Complex for the use of baseball/softball.
- This Matter was Approved on the Consent Agenda.**
- Vote: 5 - 2 – 0              Approved**  
                  Voting Against: Annette Lewis and Philip M. Goldstein

**5. Personnel/Insurance: Van Pearlberg, Chairperson**

**6. Public Safety Committee: Anthony Coleman, Chairperson**

**7. Public Works Committee: Jim King, Chairperson**

- 20100320      Marietta Power Fiber Project**
- Motion to approve request from Marietta Power for variance from the Underground Utilities Ordinance on various city streets as part of the Marietta Power control systems fiber connectivity project. Approval is given for areas where existing lines are aboveground. If lines are buried underground in the future where the fiber lines are installed, the fiber lines will also go underground.

**This matter was Removed**

- \*        **20100321      Speed Humps on Campbell Hill Street**
- Motion authorizing installation of speed humps on Campbell Street. Location and design to be determined by Public Works with all costs paid by Wellstar.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 - 1 – 0              Approved**  
Voting Against: Philip M. Goldstein

- \*        **20100366      Canton Road Neighbors Request**
- Motion to approve request from Canton Road Neighbors to plant and maintain flowers at the northwest corner of the Canton Connector and Sandy Plains and authorizing Public Works to enter into a mowing and maintenance agreement with GDOT for installation of the flowers and agreements between Canton Road Neighbors, Inc., and the City of Marietta, for maintenance of landscape areas.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0              Approved**

---

\*        **20100367        Alexander St. between Roswell St. and Washington**

Motion authorizing Public Works to use remaining funds for project to resurface the roadway, install curbs and storm drain rehabilitation.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                Approved**

\*        **20100393        Advertise for Closure and abandonment of a portion of Coggins Place Right of Way**

Motion authorizing Public Works to advertise for closure and abandonment of a portion of Coggins Place right of way.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                Approved**

\*        **20100491        1018, 1024 and 1032 Roswell Street (Marcello Reyes)**

Motion to approve acquisition of Right of Way, Permanent Landscape Easements and Temporary Construction Easements at 1018, 1024 and 1032 Roswell Street from Marcello Reyes for the purpose of Roswell Street Improvements (Victory Drive to Cobb Parkway) Project in exchange for adjacent property owned by The City of Marietta. Subject to approval of the City Manager and Public Works Director.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                Approved**

\*        **20100492        Motion authorizing acquisition and donations of various properties as stated below.**

360 N. Fairground Street

Acceptance of donated utility, temporary construction and driveway easements from Michael W. Nelson for the purpose of the Fairground Street Improvements (Allgood Rd. to N. Marietta Parkway) Project.

575/585/595 N. Fairground Street

Acquisition of right of way, permanent easement, and temporary construction easements at 575/585/595 N. Fairground St. from Mirchi Holdings et al for the purpose of the Fairground Street (Allgood Rd. to N. Marietta Parkway) Improvements Project in exchange for \$43,210 with the following stipulations:

1. The temporary easement for construction and maintenance of slopes, as shown in the attached plat, shall terminate and cease to be of any further force or effect up on the completion of construction and maintenance as of 24 months from the date possession of the land is granted to the City of Marietta, which ever shall first occur

2. The City of Marietta shall, at all times, properly maintain in the easements herein granted, and prevent the same from becoming dangerous and/or unsightly.
3. The easements herein granted are non-exclusive, and the property owner shall be entitled at all times to travel over the easements, and to conduct any and all activities which they may desire to conduct provided the same to not unreasonably interfere with the City's use of said easements for the construction and maintenance of slopes.

#### 12 Cobb Parkway and 1040 Roswell St.

Acquisition of right of way, permanent easement, and temporary construction easements at 12 Cobb Parkway and 1040 Roswell Street from H.J. Millwood et al for the purpose of the Roswell Street (Victory Drive to Cobb Parkway) Project in exchange for \$145,320 which includes compensation for relocating the existing sign or construction of a new monument style sign by H.J. Millwood et al meeting current City of Marietta ordinances with the following stipulations:

1. The City removes the existing abandoned sign post along the Roswell Street frontage.
2. The City constructs the relocated driveway at 1040 Roswell Street prior to closing the driveway from Roswell Street to the Cobb Parkway parcel.
3. The City will assist with the variance application and sign permit application due to the impact being caused by the roadway improvement project.

#### 690 Sandtown Road

Acquisition of right of way, permanent easement, and temporary construction easements at 690 Sandtown Rd. from YNH Properties et al for the purpose of the Powder Springs Streetscapes Project in exchange for \$64,000 which includes compensation for removal of exterior sign and construction of a monument style sign meeting current City of Marietta ordinances.

#### 952 Roswell Street

Acquisition of right of way, permanent easement, and temporary construction easements at 952 Roswell Street from Car Guys, Inc. for \$63,685.00 which includes compensation for owner to reconstruct/or relocate sign meeting current City Ordinances for the purpose of the Roswell Street Improvements (Victory Drive to Cobb Parkway) Project.

#### 560 N. Fairground

Acquisition of right of way, permanent easement, and temporary construction easements at 560 N. Fairground Street from Feed My Lambs, Inc. for the purpose of the Fairground Street Improvements (Allgood Rd. to N. Marietta Parkway) Project in exchange for \$2,420.00.

#### Fairground Street (N. Marietta Parkway to S. Marietta Parkway) Easements

Acquisition of donated temporary construction and driveway easements for the purpose of the Fairground Street Improvements (N. Marietta Parkway to S. Marietta Parkway) Project for the following properties:

- 655 Frasier St., from L.M Heddon, no stipulation.
- 662 Frasier St., from Ecliserio Rojo-Alvarez, no stipulation.
- 652 Frasier St., from Frank Watts, no stipulation.
- 661 Frasier St., from Anthony T. Dallavalle, stipulation for driveway to remain open.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

---

\*        **20100493        102 S. Fairground Street**

Motion authorizing acquisition of donated temporary construction and driveway easement from Marguerite D. and Tony M. Little for the purpose of the Fairground Street Improvements (N. Marietta Parkway to S. Marietta Parkway) Project.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0            Approved**

**SCHEDULED APPEARANCES:**

**UNSCHEDULED APPEARANCES:**

**OTHER BUSINESS:**

**20100312        V2010-08 Georgia-Cumberland Association (Marietta Seventh Day Adventist Church) 1440 Field Park Circle**

V2010-08 [VARIANCE] GEORGIA-CUMBERLAND ASSOCIATION (MARIETTA SEVENTH DAY ADVENTIST CHURCH) request variances for property located in Land Lot 08680, District 16, Parcel 0080 and being known as 1440 Field Park Circle. Variance to locate an additional use on a parcel with an existing general advertising/off-premise sign; Variance to reduce the required distance between a general advertising/off-premise sign and a church or school from 500 feet to 204 feet; Variance to reduce the minimum driveway width from 20 feet to 15 feet. Ward 4.

*Mayor Tumlin called forward those wishing to speak regarding this matter.*

*Darrell Starkey, representing the Georgia-Cumberland Association (Marietta Seventh Day Adventist Church), requested variances for property located at 1440 Field Park Circle. The request included a variance to locate an additional use on a parcel with an existing general advertising/off-premise sign; a variance to reduce the required distance between a general advertising/off-premise sign and a church or school from 500 feet to 204 feet; and a variance to reduce the minimum driveway width from 20 feet to 15 feet.*

*Discussion was held regarding the variance request.*

*A motion was to table this matter until next month.*

**The motion was made by Council member King, seconded by Council member Goldstein, to table this matter. The motion carried by the following vote:**

**Vote: 7 - 0 – 0            Approved**

**20100282 V2-10-06 Loretta L. David (The Marlow House) 192 Church Street**

V2010-06 [VARIANCE] LORETTA L. DAVID (THE MARLOW HOUSE) request variances for property located in Land Lot 11590, District 16, Parcel 0270 and being known as 192 Church Street.

1. Variance to allow four (4) signs to be attached to a fence;
2. Variance to increase the allowable height for nostalgic signs from six (6) feet to seven and one-half feet (7'6");
3. Variance to reduce the required setback from five (5) feet to zero (0) feet;
4. Variance to allow an announcement sign containing advertising not located in a window, but mounted on the building.

*Mayor Tumlin called forward those wishing to speak regarding this matter.*

*Loretta David and Rebecca Rowden requested variances regarding signs and setbacks for property located at 192 Church Street, the Marlow House.*

*Discussion was held.*

*Motion to approve the request variances for property located in Land Lot 11590, District 16, Parcel 0270 and being known as 192 Church Street.*

1. Variance to allow four (4) signs to be attached to a fence;
2. Variance to increase the allowable height for nostalgic signs from six (6) feet to seven and one-half feet (7'6");
3. Variance to reduce the required setback from five (5) feet to zero (0) feet;
4. Variance to allow an announcement sign containing advertising not located in a window, but mounted on the building.

**The motion was made by Council member Goldstein, seconded by Council member Pearlberg, that this matter be Approved. The motion carried by the following vote:**

**Vote: 7 – 0 – 0                      Approved**

**\*            20100353      Land and Water Conservation Fund (LWCF) pre-application and funding authorization**

Approval of a resolution authorizing the submittal of a LWCF pre-application and commitment to provide matching funds in the event the project is recommended for funding by the Department of Natural Resources.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                      Approved**

**\*            20100335      BLW Actions of April 12, 2010**

Review and approval of the April 12, 2010 actions and minutes of the Marietta Board of Lights and Water.

*Motion to approve the BLW Actions and Minutes of April 12, 2010, with the exception of agenda items 20100460 and 20100482 related to the Short-term Power Sales Agreement with MEAG.*

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0**

**Approved**

**ADJOURNMENT:**

*The meeting was adjourned at 8:53 p.m.*

**Date Approved:** \_\_\_\_\_

\_\_\_\_\_  
**R. Steve Tumlin, Mayor**

**Attest:** \_\_\_\_\_  
**Stephanie Guy, City Clerk**